

ENROLLED ACT NO. 77, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

AN ACT relating to agriculture; creating the Wyoming Food Freedom Act; exempting certain sales from licensure, certification and inspection; providing definitions; providing conforming amendments; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 11-49-101 through 11-49-103 are created to read:

CHAPTER 49
MARKETING HOMEMADE FOODS

11-49-101. Short title.

This article is known and may be cited as the "Wyoming Food Freedom Act."

11-49-102. Definitions.

(a) As used in this article:

(i) "Delivery" means the transfer of a product resulting from a transaction between a producer and an informed end consumer. The delivery may occur by the producer's designated agent at a farm, ranch, farmers market, home, office or any location agreed to between the producer and the informed end consumer;

(ii) "Farmers market" means as defined in W.S. 35-7-110(a)(xxviii);

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(iii) "Home consumption" means consumed within a private home, or food from a private home that is only consumed by family members, employees or nonpaying guests;

(iv) "Homemade" means food that is prepared in a private home kitchen, that is not licensed, inspected or regulated;

(v) "Informed end consumer" means a person who is the last person to purchase any product, who does not resell the product and who has been informed that the product is not licensed, regulated or inspected;

(vi) "Producer" means any person who harvests or produces any product which may be consumed as food or drink;

(vii) "Transaction" means the exchange of buying and selling.

11-49-103. Wyoming Food Freedom Act; purpose; exemptions; assumption of risk.

(a) The purpose of the Wyoming Food Freedom Act is to allow for the sale and consumption of homemade foods and to encourage the expansion of agricultural sales by farmers markets, ranches, farms and home based producers and accessibility of the same to informed end consumers by:

(i) Facilitating the purchase and consumption of fresh and local agricultural products;

(ii) Enhancing the agricultural economy;

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(iii) Providing Wyoming citizens with unimpeded access to healthy food from known sources.

(b) Notwithstanding any other provisions of law, there shall be no licensure, permitting, certification, inspection, packaging or labeling required by any state governmental agency or any agency of any political subdivision of the state which pertains to the preparation, serving, use, consumption or storage of foods or food products under the Wyoming Food Freedom Act. Nothing in this article shall preclude an agency from providing assistance, consultation or inspection, when requested by the producer.

(c) Transactions under this section shall:

(i) Be directly between the producer and the informed end consumer;

(ii) Only be for home consumption;

(iii) Occur only in Wyoming;

(iv) Not involve interstate commerce;

(v) Not involve the sale of meat products, except:

(A) The sale of poultry and poultry products consistent with this article;

(B) The sale of live animals intended for slaughter;

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(C) The sale of portions of animals for future delivery provided that the processing of the animals is done by the purchaser or by a Wyoming or federally licensed processing facility.

(d) Except for raw, unprocessed fruit and vegetables, food shall not be sold or used in any commercial food establishment unless the food has been labeled, licensed, packaged, regulated or inspected as required by law.

(e) The producer shall inform the end consumer that any food product or food sold at a farmers market or through ranch, farm or home based sales pursuant to this section is not certified, labeled, licensed, packaged, regulated or inspected.

(f) Not potentially hazardous food as defined by W.S. 35-7-110(a)(xxx) shall not be required to be labeled, licensed, regulated or inspected if it is sold at a farmers market or sold from a producer to an informed end consumer.

(g) Nothing in this article shall be construed to impede the Wyoming department of health in any investigation of food borne illness.

(h) Nothing in this article shall be construed to change the requirements for brand inspection or animal health inspections.

Section 2. W.S. 35-7-110(a) by creating a new paragraph (xxxi) and by renumbering (xxxi) as (xxxii) and 35-7-124 by creating a new subsection (h) are amended to read:

35-7-110. Definitions.

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(a) As used in this act:

(xxxi) "Commercial food establishment" means and includes any place or any area of any establishment that is a wholesale or retail business where foods, drugs, devices and cosmetics are displayed for sale, manufactured, processed, packed, held or stored. "Commercial food establishment" shall not include:

(A) Any farmers market; or

(B) Any producer or informed consumer engaged in transactions pursuant to W.S. 11-49-103.

~~(xxxi)~~(xxxii) "This act" means W.S. 35-7-109 through 35-7-127.

35-7-124. License required; exemptions; electronic transmittals.

(h) The provisions of subsection (a) of this section shall not apply to a producer selling food directly to the informed end consumer at a farmers market or through ranch, farm or home based sales pursuant to W.S. 11-49-103. The definitions in W.S. 11-49-102 shall apply to this subsection.

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Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk